

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Joseph A Carlino
Debtor(s)

Bankruptcy Case No.: 18-23811-GLT
Issued Per 4/18/2019 Proceeding
Chapter: 13
Docket No.: 39 - 23
Concil. Conf.: April 18, 2019 at 10:30 AM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated November 16, 2018 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Apr. 18, 2019 at 10:30 AM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☒ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☒ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to it's administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Claim No. 10 of Ditech, Claim No. 9 of Wells Fargo as paid in full and Claim No. 8 of PRA .
- ☒ H. Additional Terms: The Debtor shall appropriately pursue the claim dispute as to Claim No. 8 of PRA.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

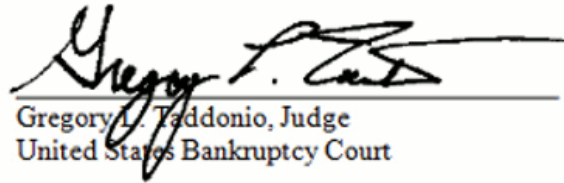
B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Gregory A. Taddonio, Judge
United States Bankruptcy Court

Dated: April 18, 2019

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Joseph A Carlino
 Debtor

Case No. 18-23811-GLT
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: dbas
 Form ID: 149

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 Total Noticed: 45

Date Rcvd: Apr 18, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 20, 2019.

db +Joseph A Carlino, 3906 Logans Ferry Rd., Monroeville, PA 15146-1238
 cr +Ditech Financial LLC, Robertson, Anschutz & Schneid, P.L., 6409 Congress Ave.suite # 100,
 Boca Raton, FL 33487-2853
 14922045 AES/PHEAA-Adv, PO Box 61047, Harrisburg, PA 17106-1047
 14922046 +Allegheny Health Network, PO Box 645266, Pittsburgh, PA 15264-5250
 14922054 Capital One Bank, PO Box 71087, Charlotte, NC 28272-1087
 14922057 Citibank (South Dakota), N.A., PO Box 6191, Sioux Falls, SD 57117-6191
 14922058 +Citibank, N.A., PO Box 6286, Sioux Falls, SD 57117-6286
 14922061 First National Bank Omaha, PO Box 2557, Omaha, NE 68103-2557
 14922062 First National Bank Omaha, PO Box 3696, Omaha, NE 68103-0696
 14922063 Home Depot/Citibank, PO Box 6497, Sioux Falls, SD 57117-6497
 14922066 Merrick Bank, PO Box 660175, Dallas, TX 75266-0175
 14922068 Nationwide Credit, Inc., PO Box 14581, Des Moines, IA 50306-3581
 14922071 PNC Bank, PO Box 3180, Pittsburgh, PA 15230-3180
 14922070 PNC Bank, PO Box 856177, Louisville, KY 40285-6177
 14922072 PNC Bank, N.A., PO Box 5570, Cleveland, OH 44101-0570
 14922069 Phillips & Cohen Associates, Ltd., PO Box 5790, Hauppauge, NY 11788-0164
 14922077 Pressler & Pressler, LLP, 7 Entin Road, Parsippany, NJ 07054-5020
 14922078 #+Ratchford Law Group, PC, 409 Lackawanna Ave, Suite 320, Scranton, PA 18503-2059
 14922079 State Collection Service, Inc., PO Box 6250, Madison, WI 53716-0250
 14922080 +State Collection Service, Inc., 2509 S. Stoughton Rd, Madison, WI 53716-3314
 14922081 +Valley Honda, 4221 William Penn Highway, Monroeville, PA 15146-2788

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14967029 E-mail/PDF: resurgentbkn notifications@resurgent.com Apr 19 2019 02:18:11 CACH, LLC,
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 14922049 +E-mail/PDF: resurgentbkn notifications@resurgent.com Apr 19 2019 02:18:10 Cach, LLC,
 c/o Resurgent Capital Services, LP, PO Box 10466, Greenville, SC 29603-0466
 14922047 +E-mail/PDF: resurgentbkn notifications@resurgent.com Apr 19 2019 02:18:11 Cach, LLC,
 4340 S Monaco St Unit 2, Denver, CO 80237-3485
 14922048 +E-mail/PDF: resurgentbkn notifications@resurgent.com Apr 19 2019 02:17:52 Cach, LLC,
 PO Box 1269, Greenville, SC 29602-1269
 14922050 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Apr 19 2019 02:18:05 Capital One Bank,
 PO Box 71083, Charlotte, NC 28272-1083
 14922051 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Apr 19 2019 02:17:34 Capital One Bank,
 PO Box 30281, Salt Lake City, UT 84130-0281
 14922053 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Apr 19 2019 02:17:35 Capital One Bank,
 PO Box 30285, Salt Lake City, UT 84130-0285
 14984208 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Apr 19 2019 02:17:36
 Capital One Bank (USA), N.A., by American InfoSource as agent, PO Box 71083,
 Charlotte, NC 28272-1083
 14922056 E-mail/Text: bkr@cardworks.com Apr 19 2019 02:20:16 Carson Smithfield, PO Box 660397,
 Dallas, TX 75266-0397
 14922055 +E-mail/Text: bkr@cardworks.com Apr 19 2019 02:20:16 Carson Smithfield, PO Box 9216,
 Old Bethpage, NY 11804-9016
 14922059 E-mail/PDF: creditonebkn notifications@resurgent.com Apr 19 2019 02:17:38 Credit One Bank,
 PO Box 98873, Las Vegas, NV 89193-8873
 14922060 E-mail/Text: bankruptcy.bnc@ditech.com Apr 19 2019 02:20:31 Ditech, PO Box 6172,
 Rapid City, SD 57709-6172
 14994749 E-mail/Text: bankruptcy.bnc@ditech.com Apr 19 2019 02:20:31 Ditech Financial LLC,
 P.O. Box 6154, Rapid City, SD 57709-6154
 14990932 +E-mail/Text: kburkley@bernsteinlaw.com Apr 19 2019 02:21:22 Duquesne Light Company,
 c/o Bernstein-Burkley, P.C., 707 Grant St., Suite 2200, Gulf Tower,
 Pittsburgh, PA 15219-1945
 14922064 E-mail/Text: bncnotices@becket-lee.com Apr 19 2019 02:20:27 Kohl's/Capital One,
 PO Box 3115, Milwaukee, WI 53201-3115
 14967196 E-mail/Text: bkr@cardworks.com Apr 19 2019 02:20:16 MERRICK BANK,
 Resurgent Capital Services, PO Box 10368, Greenville, SC 29603-0368
 14922065 +E-mail/Text: bkr@cardworks.com Apr 19 2019 02:20:16 Merrick Bank, PO Box 9201,
 Old Bethpage, NY 11804-9001
 14922067 E-mail/Text: bankruptcydpt@mcmcg.com Apr 19 2019 02:20:57 Midland Credit Management, Inc.,
 2365 Northside Drive, Suite 300, San Diego, CA 92108-2709
 14922074 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Apr 19 2019 02:17:36
 Portfolio Recovery Associates, LLC, 120 Corporate Blvd., Norfolk, VA 23502
 14922073 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Apr 19 2019 02:17:36
 Portfolio Recovery Associates, LLC, 120 Corporate Blvd. Ste 100, Norfolk, VA 23502-4962
 14922076 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Apr 19 2019 02:17:36
 Portfolio Recovery Associates, LLC, Litigation Department, 120 Corporate Blvd. East,
 Norfolk, VA 23502-9901
 14991345 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Apr 19 2019 02:18:07
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
 14994231 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Apr 19 2019 02:39:27
 Portfolio Recovery Associates, LLC, POB 41067, Norfolk VA 23541

District/off: 0315-2

User: dbas
Form ID: 149

Page 2 of 2
Total Noticed: 45

Date Rcvd: Apr 18, 2019

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

14991299 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Apr 19 2019 02:28:28 Verizon,
by American InfoSource as agent, PO Box 248838, Oklahoma City, OK 73124-8838
TOTAL: 24

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr DITECH FINANCIAL LLC
14994667 WellsFargoBank,NationalAssociation c/o Ditech, Financial LLC. PO Box 6154 Rapid City Sd,
6154
cr* +Duquesne Light Company, c/o Bernstein-Burkley, P.C.,
707 Grant Street, Suite 2200, Gulf Tower, Pittsburgh, PA 15219-1945
14922052* Capital One Bank, PO Box 30281, Salt Lake City, UT 84130-0281
14922075* ++PORTFOLIO RECOVERY ASSOCIATES LLC, PO BOX 41067, NORFOLK VA 23541-1067
(address filed with court: Portfolio Recovery Associates, LLC, PO Box 12903,
Norfolk, VA 23541)

TOTALS: 2, * 3, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.
While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Apr 20, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 18, 2019 at the address(es) listed below:

David J. Romito on behalf of Debtor Joseph A Carlino romitoesq@verizon.net,
romitoesq@comcast.net
James Warmbrodt on behalf of Creditor DITECH FINANCIAL LLC bkgroup@kmlawgroup.com
Kenneth Steidl on behalf of Debtor Joseph A Carlino julie.steidl@steidl-steinberg.com,
ken.steidl@steidl-steinberg.com;ifriend@steidl-steinberg.com;asteidl@steidl-steinberg.com;todd@st
eidl-steinberg.com;cgoga@steidl-steinberg.com;rlager@steidl-steinberg.com;leslie.nebel@steidl-ste
inberg.com
Keri P. Ebeck on behalf of Creditor Duquesne Light Company kebeck@bernsteinlaw.com,
jbluemle@bernsteinlaw.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Robert Shearer on behalf of Trustee Robert Shearer information@robertshearer.com,
rshearer@ecf.axosfs.com;rspclaw@gmail.com
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 7